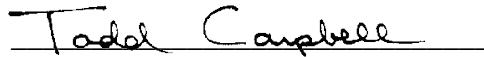


Staggs v. Lewis County Jail, 2009 WL 3877682 (M.D. Tenn.); *see also* Petty v. County of Franklin, Ohio, 478 F.3d 341, 347 (6th Cir. 2007)(a county sheriff's department is also not a "person" subject to liability under § 1983). Nor does an inmate trustee act under color of state law when he distributes food trays to other inmates.

Accordingly, the plaintiff has failed to state an actionable claim under § 1983 against these defendants. Under such circumstances, the Court is obliged to dismiss the complaint *sua sponte*. 28 U.S.C. § 1915(e)(2).

An appropriate order will be entered.


Todd Campbell
United States District Judge